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UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JEANNE ENDO,)	CIVIL NO. CV03-00563 LEK
)	
Plaintiff,)	DEFENDANT UNITED PUBLIC
)	WORKERS' MEMORANDUM IN
vs.)	OPPOSITION TO PLAINTIFF'S
)	MOTION IN LIMINE TO ADMIT
UNITED PUBLIC WORKERS,)	EVIDENCE OF SEXUAL
AFSCME LOCAL 646, AFL-CIO,)	HARASSMENT OF OTHER
)	WOMEN IN THE WORKPLACE
Defendant,)	BY THIRD-PARTY DEFENDANT
)	GARY W. RODRIGUES;
vs.)	CERTIFICATE OF SERVICE
)	
GARY W. RODRIGUES,)	
)	
Third-Party Defendant.)	
)	TRIAL DATE: May 13, 2008
)	

DEFENDANT UNITED PUBLIC WORKERS' MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE TO ADMIT
EVIDENCE OF SEXUAL HARASSMENT OF OTHER WOMEN IN THE
WORKPLACE BY THIRD-PARTY DEFENDANT GARY W. RODRIGUES

Defendant United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") requests that the Court deny PLAINTIFF'S MOTION IN LIMINE TO ADMIT EVIDENCE OF SEXUAL HARASSMENT OF OTHER WOMEN IN THE WORKPLACE BY THIRD-PARTY DEFENDANT GARY W. RODRIGUES, filed April 22, 2008 for the reasons set forth below:

1. The alleged harassment of Merlene Akau and Tani Olaso is based upon hearsay and is not supported by admissible evidence. HRE Rules 801, 802.
2. Plaintiff did not witness the alleged harassment of Merlene Akau and Tani Olaso.
3. Tani Olaso (formerly Tani Akiona) is now married to Gary Rodrigues. Mr. Rodrigues' conduct toward Ms. Olaso was welcomed and not hostile. Plaintiff specifically testified that she understood that Tani liked the attention from Mr. Rodrigues. (Endo Depo. Transcript, p. 28, lines 14-16.)

Under the above circumstances, the cases cited by Plaintiff are distinguishable. Those cases involved other women in similar circumstances undergoing similar harassment that was witnessed by the plaintiff or testified to

by the other women. Here, those facts are not present. Pursuant to FRE Rules 401, 402, 403, 404, 602, 801, and 802, Plaintiff's proposed evidence is inadmissible.

DATED: Honolulu, Hawaii, April 29, 2008.

/s/ Charles A. Price

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UNITED PUBLIC WORKERS,

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